

Both Ms. Hill and I were excited about the prospect of transferring to the EEOC. We even discussed the greater potential for individual growth at this larger agency. We discussed and expressed excitement that we would be at the right hand of the individual who would run this agency.

When we arrived at the EEOC, because we knew no one else there, Professor Hill and I quickly developed a professional relationship, a professional friendship, often having lunch together.

At no time did Professor Hill intimate, not even in the most subtle of ways, that Judge Thomas was asking her out or subjecting her to the crude, abusive conversations that have been described. Nor did I ever discern any discomfort, when Professor Hill was in Judge Thomas' presence.

Additionally, I never heard anyone at any time make any reference to any inappropriate conduct in relation to Clarence Thomas.

The Clarence Thomas that I know has always been a motivator of staff, always encouraging others to grow professionally. I personally have benefited from that encouragement and that motivation.

In sum, the Chairman Thomas that I have known for 10 years is absolutely incapable of the abuses described by Professor Hill.

Senator KENNEDY. Thank you very much.

Ms. Berry-Myers?

#### TESTIMONY OF PHYLLIS BERRY-MYERS

Ms. BERRY. You can call me Phyllis Berry, since that was my name that I used throughout my professional life, and that's probably what most people are going to refer to me as.

Mr. Chairman, Senator Thurmond and members of the committee, I am Phyllis Berry.

I know and have worked with both Clarence Thomas and Anita Hill. I have known Judge Thomas since 1979, and Anita Hill since 1982. Once Clarence Thomas was confirmed as the Chairman of the Equal Employment Opportunity Commission and had assumed his duties there, he asked me to come and work with him at the Commission.

I joined his staff as a special assistant in June of 1982. At the Commission, Chairman Thomas asked that I assume responsibility for three areas: I was to, one, assist in assessing and reorganizing his personal staff, scheduling, speech writing, and those kinds of things; two, to assist in professionalizing the Office of Congressional Affairs, as that office was called then; and, three, assist in reorganizing the Office of Public Affairs, as that office was called then.

Anita Hill was already a member of Clarence Thomas' staff when I joined the Commission.

There are several points to be made:

One, many of the areas of responsibilities that I had been asked to oversee were areas that Anita Hill handled, particularly congressional affairs and public relations. We, therefore, had to work together. Chris Rogerson was the director of congressional affairs at that time, and Anita Hill worked more under his supervision than Clarence Thomas'.

Two, Clarence Thomas' behavior toward Anita Hill was no more, no less than his behavior toward the rest of his staff. He was re-

spectful, demand of excellence in our work, cordial, professional, interested in our lives and our career ambitions.

Three, Anita Hill indicated to me that she had been a primary advisor to Clarence Thomas at the Department of Education. However, she seemed to be having a difficult time on his EEOC staff, of being considered as one of many, especially on a staff where others were as equally or more talented than she.

Four, Anita Hill often acted as though she had a right to immediate direct access to the Chairman. Such access was not always immediately available. I felt she was particularly distressed, when Allyson Duncan became chief of staff and her direct access to the Chairman was even more limited.

Five, I cannot remember anyone, except perhaps Diane Holt, who was regarded as personally close to Anita. She was considered by most of us as somewhat aloof.

In addition, I would like to make these comments:

In her press conference on October 7, 1991, Anita Hill indicated that she did not know me and I did not know her. However, in her testimony before this committee, she affirmed that not only did we know one another, but that we enjoyed a friendly, professional relationship.

Also, she testified that I had the opportunity to observe and did observe her interaction with Clarence Thomas at the office.

Two, I served at the Department of Education at the same time that Anita Hill and Clarence Thomas were there. One aspect of my job was to assist with the placement of personnel at the department, particularly schedule C and other excepted service appointments, such as schedule A appointments.

Excepted Service means those positions in Federal civil service excepted from the normal, competitive requirements that are authorized by law, Executive order or regulation.

The schedule C hiring authority is the means by which political appointees are hired. The schedule A hiring authority is the means by which attorneys, teachers in overseas dependent school systems, drug enforcement agents in undercover work, et cetera, are hired.

The office that I worked in was also responsible for reviewing any hiring that the department's political appointees made under the excepted service hiring authority. Therefore, in that capacity, I was aware of any excepted service hiring decisions made in the Office of Civil Rights, and that is the office that Clarence Thomas headed at that time, and Anita Hill was hired in that office as a schedule A employee.

Federal personnel processing procedures require a lot of specific knowledge and a lot of paperwork, and I do not profess to be a Federal personnel expert. But I can attest to the procedures required by our office and the Office of Personnel at the Department of Education at that time.

At the end of such procedures, a new employee would have no doubt whatsoever regarding their status, their grade, their pay, their benefits, their promotion rights, employment rights and obligation as a Federal employee and as an employee in the department.

A new employee would know whether their employment is classified as permanent or temporary, protected or nonprotected, and

those kinds of things. Each new employee must sign a form that contains such information, before employment can begin.

The Personnel Department at the Department of Education is a fine one, and it takes pride in thoroughly counseling new employees.

Senator HATCH. Let me start with you, Ms. Holt. You were here in what we would call, in a true trial, in the capacity of really a personal witness as well as a custodial witness. You can help us, it seems to me, figure out the significance and relevance of the telephone log records of the messages received by Clarence Thomas.

Also, since the testimony of Anita Hill on Friday, the issue of whether Professor Hill's telephone calls to Judge Thomas might in fact have been telephone calls to you has been interjected, because she indicated some of them were just calls to you. Is that so?

Ms. HOLT. She did call me on occasion.

Senator HATCH. Are they ones you have listed in these logs?

Ms. HOLT. They are not, no.

Senator HATCH. They are not?

Ms. HOLT. No.

Senator HATCH. And this is your handwriting on these logs, primarily?

Ms. HOLT. Primarily.

Senator HATCH. With regard to these phone calls involving Anita Hill?

Ms. HOLT. Right.

Senator HATCH. Each and every one of them?

Ms. HOLT. Each and every call? No.

Senator HATCH. But I am talking about the ones involving Anita Hill only.

Ms. HOLT. That is what I am saying. No, there is one call on here that—

Senator HATCH. Well, we will go through it. Yes, one call, but all the others are your handwriting.

Ms. HOLT. Right.

Senator HATCH. Now there are 10 messages recorded by you in the telephone log book which I had entered into the record yesterday. Now do these represent all of the times that Anita Hill called or might have called Judge Thomas during the 7 years that you worked for Judge Thomas?

Ms. HOLT. There were other times she called and he was available to take the call, which would mean that there was no indication in the phone log.

Senator HATCH. So there were a number of other times besides the at least 10 that you wrote down, mentioned in these logs?

Ms. HOLT. Right.

Senator HATCH. Were they frequent or were they just sporadic?

Ms. HOLT. They were sporadic.

Senator HATCH. But they were more than one, two, three? Could you give us an estimate?

Ms. HOLT. I would say maybe another five or six.

Senator HATCH. Another 5 or 6, so at least 15 or 16 calls that you received over these years, during the 7 years you worked for Judge Thomas. Is that right?

Ms. HOLT. Right.